

MINUTES
UTAH MASSAGE THERAPY BOARD
August 12, 2003 - 9:00 A.M.
Room 4B - Fourth Floor - Heber Wells Bldg.
160 East 300 South, Salt Lake City, Utah

CONVENED: 9:05 A.M.

ADJOURNED: 11:30 A.M.

PRESENT:

Clyde Ormond, Bureau Manager
Marty Simon, Board Secretary
Board Members:
Denise Tufly Ray Pippin
Richard Engar Karen Lessman-Hughes
Carlotta Veasy

ABSENT:

None

GUESTS:

Craig Jackson, Division Director; Craig Sorenson, Ogden Institute of Massage Therapy; Duke Cassell and Roger Olbrot, Myotherapy College of Utah and Ginger Elliott.

TOPICS FOR DISCUSSION:

DECISIONS AND RECOMMENDATIONS:

ADMINISTRATIVE BUSINESS:

Minutes

The minutes of the May 13, 2003 board meeting were approved as revised.

Elect new board chairperson

A motion was made by Ms. Tufly and seconded by Ms. Veasy to nominate Mr. Pippin to be the new chairman. Mr. Pippin then made a motion to nominate Ms. Veasy to be the new chairperson but the motion was not seconded. The motion to elect Mr. Pippin carried unanimously.

DISCIPLINARY/HEARINGS:

9:00 A.M.
Chantal Christensen

Order to Show Cause Hearing went to a Default as Ms. Christensen did not appear.

APPOINTMENTS:

10:00 A.M.
Stephen Thornock

Mr. Thornock met with the Board for his first probation interview. He submitted a positive "Employer Report" from his supervisor, Jeffrey Smith, at Utah College of Massage Therapy. He asked if he could work as an independent contractor. The Board stated he could do that as long as he is supervised. The Board determined he is in compliance. He was scheduled to meet with the Board again at 10:00 A.M. on November 18, 2003.

Stephen Thornock Apt (cont)

The Board later discussed the matter of his working as an independent contractor and decided that since his Memorandum of Understanding (MOU) requires him to work only under direct supervision he could not do independent contracting. The supervisor must be on the premises at all times when he is with a client. The Board requested Mr. Ormond to notify Mr. Thornock that he was informed incorrectly regarding the matter. A letter was later sent to Mr. Thornock informing him of the Boards' decision.

10:15 A.M.
Kellianne Fredin

Ms. Fredin met with the Board for her first probation interview. She stated she has called in but hasn't been scheduled for any drug screens yet. A positive "Employer Report" was received from her supervisor, Michelle Howard, at the Sego Lily Day Spa. The Board determined she is in compliance. She was scheduled to meet with the Board again at 9:30 A.M. on November 18, 2003.

10:30 A.M.
Michael Samo

Mr. Samo met with the Board for his first probation interview. A drug screen taken on July 21, 2003 was negative. He stated he is not currently working in this profession but is contemplating working in a chiropractor's office as an independent contractor. The Board stated he could not do that as he must be employed by someone, including being paid by them, so he can obtain "Employer Reports" from an employer. Sometimes a company will list a person on a 1099 form so they don't have to pay them benefits. Mr. Olbrot suggested changing the title to "Supervised Work Report" form then the person would not have to be technically employed by someone. Mr. Samo was scheduled to meet with the Board again at 10:30 A.M. on November 18, 2003.

10:45 A.M.
Brett Perkins

Mr. Perkins met with the Board as requested at the August 12, 2003 board meeting. He brought a letter from Judge Richard Dobson, Washington County Justice Court, that stated all court cases for Mr. Perkins from 1996 to present had been completed and closed. Mr. Ormond asked if he had been involved with alcohol when he was charged with the 1999 Disorderly Conduct charge in St George and he replied he had not.

Mr. Perkins then explained he had learned from his experiences from 1997 to 1999 and had not repeated that type of behavior since then. He had worked in California

at the Hotel del Coronado as a licensed massage therapist
until recently but has returned to Utah and wants to work

Brett Perkins Apt (cont)

11:15 A.M.
interview.
Tyler Nielsen

Clarissa Williams

NEW APPLICATIONS:

Robert Barela

Jason Darlington

as a massage therapist here. A motion was made by Mr. Pippin and seconded by Ms. Veasy to issue him full licensure. The motion carried unanimously.

Mr. Nielsen met with the Board for his probation

An "Employer Report" was received from his supervisor, Barry Bird, at Utah College of Massage Therapy on August 7, 2003. It stated that a student had complained that Mr. Nielsen had not been giving her enough attention in class. A drug screen taken on June 19, 2003 was negative but he missed the one on July 26, 2003. Mr. Nielsen stated he had taken the one in July and has a receipt to prove it. Mr. Ormond requested him to send in a copy of the receipt. If the receipt is not received, he will be considered out of compliance with his MOU for missing that drug screen. He was given Ms. Higg's number to call in the future to make other arrangements if he can't take a drug screen. He was then scheduled to meet with the Board again at 10:45 A.M. on November 18, 2003. It was later noted that the receipt was not received.

The Board noted that no quarterly "Employer Report" had been received. They requested that a "Non-Compliance" letter be sent and schedule her to meet with them at the next meeting.

It was later discovered that a positive "Employer Report" had been received on August 8, 2003 from her supervisor, Lesley William, at The Spa Club. Ms. Williams is in compliance with her MOU.

Mr. Barela's application for licensure showed a criminal charge of Theft, a Felony, on November 11, 1998, reduced to Unauthorized Use of Vehicle, a Misdemeanor A. He was put on a 36 month probation, which has been completed. Following a review, a motion was made by Ms. Tufly and seconded by Mr. Engar to issue full licensure. The motion carried unanimously.

Mr. Darlington's application for licensure showed criminal charges of Possession of Narcotic Controlled Substance and Driving Under the Influence of Alcohol/Drugs (DUI) on March 5, 2003, in Orange County, California. He had graduated from Utah college of Massage Therapy on March 28, 1999 and holds a

Jason Darlington (cont)

current massage therapist licenses in Nevada and California. He is currently on court probation through California. The court documents in the file do not indicate the length of the probation but it would usually be 12 months for a DUI. The following factors were considered by the Board: Aggravating: recent charges that happened three months ago; 2. currently licensed in California and Nevada; and 3. not enough information is available, since the FBI report has not been received yet.

Mitigating: 1. the types of charges he had shouldn't endanger his clients; and 2. he is young but old enough to know better.

A motion was made by Mr. Engar and seconded by Mr. Veasy to issue him a probationary license for two years contingent upon receipt of a report from FBI showing no additional charges. The MOU should contain the following specific items; 1. comply with the California probation requirements; and 2. submit documentation of the alcohol monitoring from the Alcohol Counseling Education Center in Salt Lake City, Utah. The motion carried unanimously.

Julie Hansen-McCall

Ms. Hansen-McCall's application for licensure showed numerous criminal charges from 1988 through 1992 including Possession of a Controlled Substance, Theft and Robbery. She signed a Diversion Agreement on April 29, 2003 for a Driving Under the Influence charge in Multnomah County, Oregon. A copy of her Oregon massage therapy license shows she is currently licensed through 2004. She also held a massage therapy license in Utah from 1997 through 1999. She stated in her letter she had not used any drugs for five years and is currently attending a 12-step program.

A motion was made by Mr. Pippin and seconded by Ms. Tufly to issue her a probationary license and put her on a MOU for three years that should include the following specific items: 1. random drug screens; and 2. comply with Oregon Diversion program. The motion carried unanimously.

Jennifer Ocrant

Ms. Ocrant's application for licensure showed a criminal charge of Theft, a Misdemeanor B, on March 20, 2002 that went to a Plea in Abeyance. Following a review of the circumstances with Ms. Ocrant, who was present, a motion was made by Mr. Pippin and seconded by Ms. Veasy to issue her a temporary massage therapy license

Jennifer Ocrant (cont)

for four months to take the exam. Full licensure can be issued upon receipt of documentation showing she has passed the NCBTMB exam. The motion carried unanimously.

CORRESPONDENCE:

Newspaper Article – Cranky Consumer

An article from the Wall Street Journal, by Jane Spencer, evaluating different types of modalities of massage was reviewed by the Board.

COMTA News

This was noted with no further action taken.

NCB Infoline Newsletter

Copies of these pamphlets regarding the national certification process were given to board members and some guests who were present.

DISCUSSION ITEMS:

Massage Therapy Education Peer Committee

Mr. Ormond gave the Board the names of the members of this committee that are as follows: David Jackson and Cindy Calzada, Massage Therapy Instructors; Craig Sauer, Utah Committee of Bodywork Schools; and Linda Alder, Utah State Office of Education. He stated we are still missing a representative from the massage therapy association

Agenda for the First Peer Committee meeting

Mr. Ormond asked the Board for suggestions for items for the agenda. He stated he had proposed some things but would appreciate the Board submitting some additional ones. He further requested some input from the Board for their opinions as to what some standards for the curriculum should be. The hours for each category within the curriculum should coordinate with the National Certification Board for Therapeutic Massage & Bodywork (NCBTMB) hours required in their curriculum. Ms. Lessman-Hughes expressed her concern that curriculum hours should cover all areas of massage adequately. The Board recommended that the Committee should ensure that anatomy and physiology are weighted heavily in the curriculum.

Guidelines for Applicants with Criminal Histories

Copies of the proposed rules, dated August 12, 2003, were given to all board members. Mr. Ormond asked them to review R156-47b-302d and give him any needed revisions that would apply to this profession when reviewing applications that show criminal charges. He requested the Board to have their suggestions to him by the March, 2004 meeting.

AMTA Proposed Legislature

Mr. Olbrot stated the Association is proposing legislature for two levels of licensure that would be defined by the amount of education the person had taken. They are trying to fast track it to go before the 2004 legislature. Mr. Pippin cautioned him about this as some things may be left out or added in that could later cause problems. Mr. Ormond recommended that the Association have it reviewed by the Sunrise Review Committee before going to legislature. The Medical Association should also review it for any infringement on their scope of practice.

NEXT BOARD MEETING:

November 18, 2003

DATE APPROVED

CHAIRPERSON, UTAH MASSAGE
THERAPY BOARD

DATE APPROVED

BUREAU MANAGER, DIVISION OF
OCCUPATIONAL & PROFESSIONAL
LICENSING